

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15801 of 2005

Between:

M/s. Ranga Engineering (Pvt) Ltd., rep y Managing Director G. Ranga Reddy S/o G.
Balaram Reddy, Add. No. 6-3-890, Somajiguda Hyderabad

..... PETITIONER

A N D

The Mandal Revenue Officer, Medchal Mandal, Ranga Reddy District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandmaus to declare the action of the respondent in attempting to dispossess the petitioner form the lands situated in Sy. No. 159/A admeasuring Ac 1.00 guntas situated at Yellampet Vilalge, Medichal mandal, Rangareddy District without following the due process of law and without considering the explanation submitted by the petitioner to the show cause Notice No. B/706/05-5, dt 21-3-2005 which was receive by the petition on 7-6-2005 as illegal, arbitrary unjust and violative of Article 19 & 21 of the Constitution of India and consequently direct the respondent not to take any coercive steps and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.BABU RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following at the admission stage: (Order follows 2nd page)

ORDER

This writ petition is filed seeking to declare the action of the respondent in attempting to dispossess the petitioner from the lands situated in sy.no.159/A admeasuring Ac:1-00 guntas situate at Yellampet village of Medchal Revenue Mandal, Rangareddy district, without following due process of law and without considering the explanation submitted by the petitioner pursuant to the show cause notice no.B/706/05-05 in Form-I under Rule-3 of AP Assigned Lands (Prohibition of Transfers) Act, 1977, dated 21-3-2005, which was received by the petitioner on 07-6-2005 as illegal, arbitrary, unjust and violative of Article 19 and 21 of the Constitution of India and consequently direct the respondent not to take any coercive steps.

The main grievance of the petitioner is that the third respondent is trying to dispossess the petitioner from the schedule land, which was purchased in the year 1997 under registered sale deed bearing no.902/97, dated 12-2-1997 from assignee of the said land and since then the petitioner is in peaceful possession and enjoyment of the said land.

Now the respondent has issued show cause notice in Form-I under Rule-3 of AP Assigned Lands (Prohibition of Transfers) Act, 1977 dated 21-3-2005, directing to show cause within fifteen days of receipt of the notice as to why the petitioner should

not be summarily evicted from the said land and as why any crop or other product raised on the land and any building or other constructions erected or anything deposited thereon should not be forfeited for contravening the provisions of Sub-Section (2) of Section 3 of the AP Assigned Lands (Prohibition of Transfers) Act, 1977.

Pursuant to the said show cause notice, the petitioner has submitted its explanation on 15-6-2005, which is pending consideration for passing final order by the respondent.

While things stood thus, the respondent without passing any final order is now inevitably threatening the petitioner to evict from the aforesaid land. Therefore, the petitioner filed the present writ petition, as the petitioner is in imminent danger of dispossession by the respondent without following due process of law.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondent to consider the representation dated 15-6-2005 submitted by the petitioner, after affording reasonable opportunity of being heard and pass appropriate order on merits, and in accordance with law, within eight weeks, from the date of receipt of a copy of the order and till such time, the respondent is directed not to interfere with the possession and enjoyment of the petitioner over the land in question.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 20th, 2005. -----

IS L. **ELIPE DHARMA RAO, J.**

- 1. The Mandal Revenue Officer, Medchal Mandal, Ranga Reddy District.
- 2. Two CCs to Govt.Pleader for Revenue, High Court Buildings, Hyderabad (OUT)
- 3. One CC to Mr.G.Babu Rao, (4927), Counsel for the Petitioner.
- 4. Two CD copies.

